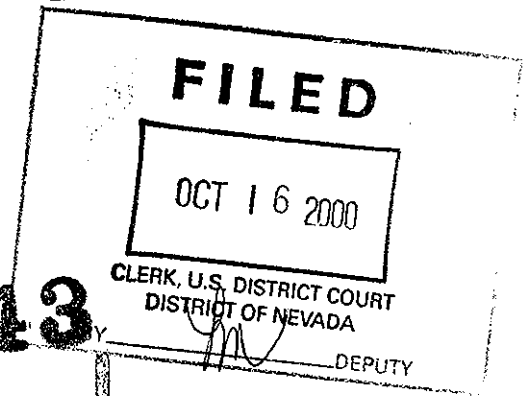


1 KATHRYN E. LANDRETH  
United States Attorney  
2 MARGARET M. STANISH  
Assistant United States Attorney  
3 333 Las Vegas Boulevard South  
Fifth Floor  
4 Las Vegas, Nevada 89101  
(702) 388-6336

00CR0943



5  
6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA **FILED**

8 CR-S-00-0359-PMP-RJJ

9 UNITED STATES OF AMERICA

10 Plaintiff

MAGISTRATE JUDGE DENLOW

MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT

11 vs

12 TIMOTHY POOL,

13 Defendant.

VIOLATION: Title 18, United  
States Code, Section 656 - Theft,  
Embezzlement or Misapplication  
by Bank Employee

14 INFORMATION

15 The United States Attorney charges that:

16 On August 6, 1997, and September 11, 1997, in the State and Federal District of  
17 Nevada,

18 **TIMOTHY POOL,**

19 defendant herein, being an employee of Wells Fargo Bank, the deposits of which were insured by the  
20 Federal Deposit Insurance Corporation, with intent to injure and defraud, did embezzle, abstract,  
21 purloin, and willfully misapply one thousand dollars (\$1,000.00) of money, funds, and credit to which  
22 she had access by virtue of her position as an employee; all in violation of Title 18, United States  
23 Code, Section 656.

24 DATED this 13<sup>th</sup> day of October, 2000.

25 I hereby attest and certify on 11-16-00  
26 that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

Deputy

KATHRYN E. LANDRETH  
United States Attorney

MARGARET M. STANISH  
Assistant United States Attorney

DOCKETED  
NOV 22 2000

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

## Y. INFORMATION

Name of District Court, and Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT  
NEVADA - LAS VEGAS

## OFFENSE CHARGED

18/656 - Theft, Embezzlement or  
Misapplication by Bank Employee  
(1 Count)Petty  
Minor  
☒ Misdemeanor  
Felony

DEFENDANT - U.S. vs.

TIMOTHY POOL

Address

Birth  
Date

(Optional unless a juvenile)

U.S.C. Citation

SEE ABOVE

Place of offense

NEVADA

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI, SA Herb Laskow

person is awaiting trial in another Federal or State Court,  
give name of courtthis person/proceeding is transferred from another district  
per (circle one) FRCrP 20, 21 or 40. Show Districtthis is a reprosecution of charges  
previously dismissed which were  
dismissed on motion of:SHOW  
DOCKET NO.this prosecution relates to a pending  
case involving this same defendantprior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underMAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

SHERRY ENGELHARDT

Paralegal, US Attorneys Office

Name of Asst. U.S. Att'y  
(if assigned)

MARGARET STANISH

Assistant United States Attorney

ADDITIONAL INFORMATION OR COMMENTS

DEFENDANT

## IS NOT IN CUSTODY

☒ Has not been arrested, pending outcome this proceeding  
If not detained give date any prior summons  
was served on above charges

Is a Fugitive

Is on Bail or Release from (show District)

## IS IN CUSTODY

On this charge

On another conviction

Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Fed'l State

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filed

Mo.

Day

Year

DATE OF  
ARREST

Or... if Arresting Agency &amp; Warrant were not Federal

DATE TRANSFERRED  
TO U.S. CUSTODY

Mo.

Day

Year

MAGISTRATE JUDGE DENLOW

This report amends AO 257 previously submitted.

00CR0943

CR-S-00-0359-PMP-RJJ

I hereby attest and certify on  
that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

By

Deputy

FILED

OCT 16 2000

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

AO 455 (Rev.5/85) Waiver of Indictment

# United States District Court

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

v.

TIMOTHY POOL

## WAIVER OF INDICTMENT

CR-S-00-0359-PMP-RJJ

C.

I, TIMOTHY POOL the above named defendant, who is accused of Structuring of Financial Transactions to Evade Currency reporting Requirements, being advised of the nature of the charge(s), the proposed information, and of my rights, hereby waive in open court on \_\_\_\_\_ prosecution by indictment and consent that the proceeding may be by information rather than by indictment.

Timothy Pool  
TIMOTHY POOL  
Defendant

Paul M. Brayman  
PAUL M. BRAYMAN, Esq.  
Counsel for Defendant

Before \_\_\_\_\_  
Judicial Officer

1  
MAGISTRATE JUDGE DENLOW

00CR0943  
FILED

NOV 20 2000

MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT

I hereby attest and certify on 11-16-00  
that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.

By Michael W. Dobbins Deputy  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

AO 86A (Rev. 4/91) Consent to Proceed - Misdemeanor

## United States District Court

FILED

UNITED STATES OF AMERICA

V.

TIMOTHY POOL

OCT 16 2000  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_

CONSENT TO PROCEED BEFORE  
UNITED STATES MAGISTRATE JUDGE  
IN A MISDEMEANOR CASE

CR-S-00-0359-PMP-RJJ

The United States magistrate judge has explained to me the nature of the offense(s) with which I am charged and the maximum possible penalties which might be imposed if I am found guilty. The magistrate judge has informed me of my right to the assistance of legal counsel. The magistrate judge has informed me of my right to trial, judgment, and sentencing before a United States district judge or a United States magistrate judge.

I HEREBY: Waive (give up) my right to trial, judgment, and sentencing before a United States district judge, and consent to trial, judgment and sentencing before a United States magistrate judge.

FILED

MAGISTRATE JUDGE DENLOW

NOV 20 2000

00CR0943

Defendant

MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT

WAIVER OF RIGHT TO TRIAL BY JURY

The magistrate judge has advised me of my right to trial by jury.

I HEREBY: Waive (give up) my right to trial by jury.

Defendant

Consented to by United States

Signature

Name and Title

WAIVER OF RIGHT TO HAVE THIRTY DAYS TO PREPARE FOR TRIAL

The magistrate judge has also advised me of my right to have at least thirty days to prepare for trial before the magistrate judge.

I HEREBY: Waive (give up) my right to have at least thirty days to prepare for trial.

X

Defendant

I hereby attest and certify on 11-16-00  
that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.

Approved By:

CLERK, U.S. MAGISTRATE JUDGE  
DISTRICT OF NEVADA

By

Deputy

Defendant's Attorney (If any)

1 KATHRYN E. LANDRETH  
2 United States Attorney  
3 MARGARET M. STANISH  
4 Assistant United States Attorney  
5 White Collar and Economic Crimes Section  
6 701 East Bridger Avenue, Eighth Floor  
7 Las Vegas, Nevada 89101  
8 (702) 388-6336

FILED  
OCT 16 2000  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
BY                      DEPUTY

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 -0 CR-S-00-0359-PMP-RJJ

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 TIMOTHY POOL,

13 Defendant.

FILED  
NOV 20 2000  
MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT

00CR00943

PLEA MEMORANDUM

MAGISTRATE JUDGE DENLOW

14 In compliance with Rule 11(e)(2) of the Federal Rules of Criminal Procedure, the  
15 United States of America wishes to acknowledge the following agreement between the United States  
16 of America, by and through Kathryn E. Landreth, United States Attorney, and Margaret M. Stanish,  
17 Assistant United States Attorney, the defendant TIMOTHY POOL and the defendant's attorney, Paul  
18 Brayman, Esq.

19 I.

20 PLEA NEGOTIATION

21 Defendant TIMOTHY POOL will plead guilty by way of an information to Theft,  
22 Embezzlement, or Misapplication by Bank Employee, in violation of Title 18, United States Code,  
23 Section 656.

24 Defendant POOL's plea is made pursuant to the Federal Rules of Criminal Procedure  
25 11(e)(1)(B) and the terms of the Plea Memorandum as set forth below. The said Plea Memorandum  
26 is not intended to be binding upon the Court.

1           1.     The parties agree that pursuant to Title 18, United States Code, Section 3559,  
2 the instant offense is a Class A Misdemeanor because it carries a maximum penalty of one year or less,  
3 but more than six months. As a Class A Misdemeanor, the instant crime falls within the purview of the  
4 United States Sentencing Commission Guidelines Manual (Nov. 1995) (hereinafter referred to as  
5 U.S.S.G.), pursuant to Section 1B1.9 of said Guidelines.

6 Guideline Calculation

7           2.     The parties agree that pursuant to U.S.S.G. Section 2B1.1(a), the Base Offense  
8 Level for this crime is four (4).

9           3.     The parties agree that pursuant to U.S.S.G. Section 2B1.1(b)(1)(D), the Offense  
10 Level is increased by three (3) levels because the loss is more than two thousand dollars but not more  
11 than five thousand dollars.

12           4.     The parties agree that pursuant to U.S.S.G. Section 2B1.1(b)(4)(A), the Offense  
13 Level is increased by two (2) levels because the offense involved more than minimal planning.

14 Sentencing Considerations

15           5.     Defendant **TIMOTHY POOL** is aware that his sentence will be imposed in  
16 conformity with the Federal Sentencing Guidelines and Policy Statement. The defendant, **TIMOTHY**  
17 **POOL**, is also aware that his sentence imposed under the Guidelines does not provide for parole.  
18 Knowing these facts, the defendant agrees this Court has jurisdiction and authority to impose any  
19 sentence with the statutory maximum set for his offense, including the sentence determined by  
20 reference to the Guidelines.

21           6.     The parties agree that the Offense Level and specific offense characteristics, and  
22 possible Criminal History Category as determined pursuant to chapter four of U.S.S.G., are based upon  
23 information concerning this offense and this defendant as now known, and could change upon  
24 investigation by the United States Probation Office. It is possible that factors unknown or unforeseen  
25 by the parties to the plea agreement may be considered in determining the total base offense level and  
26 . . .



1 criminal history category. However, in that event the defendant would have no right to withdraw his  
2 plea of guilty.

3 7. Upon entry of the plea of guilty and acceptance of responsibility as determined  
4 by the United States Probation Office, the Government agrees to affirmatively request that the Offense  
5 Level be reduced by two (2) levels pursuant to U.S.S.G. Section 3E1.1(a).

6 8. Assuming that the defendant's Criminal History Category is I and his Offense  
7 Level is seven (7), the guideline range would be zero (0) to six (6) months. The government will  
8 recommend the low end of the guideline range.

9 9. The parties agree that no additional promises, agreements, and conditions have  
10 been entered into other than those set forth in this document, and none will be entered into unless in  
11 writing and signed by all parties.

#### 12 Restitution and Assessment

13 10. The defendant will pay full restitution in the amount of \$5,000.00 to Wells Farg  
14 Bank.

15 11. The parties recognize that to facilitate negotiations the information reflects  
16 loss amount of only \$1,000.00. However, pursuant to U.S.S.G. Section 1B1.3, pertaining to relevant  
17 conduct, the parties agree that the total loss is five thousand dollars (\$5,000.00).

18 12. The defendant agrees to pay a mandatory special assessment fee of twenty-fi  
19 dollars (\$25.00) which is due and payable immediately at the time of sentencing, pursuant to Title 1  
20 United States Code, Section 3013 and U.S.S.G. Section 5E1.3.

#### 21 Waiver of Appeal

22 13. In exchange for the concessions made by the United States in the instant p  
23 agreement, the defendant knowingly and expressly waives his right to appeal any sentence to  
24 imposed that is within the Sentencing Guideline range, further waives his right to appeal the mar  
25 in which that sentence was determined on the grounds set forth in Title 18, United States Co  
26 Section 3742, and further waive his right to appeal any other aspect of his conviction or sentence.

1 defendant reserves the right to appeal any sentence imposed to the extent, but only to the extent, that  
2 the sentence is an upward departure and outside the range established by the applicable Sentencing  
3 Guideline range.

4 Collateral Effect of Plea

5 14. The defendant acknowledges that he is aware that Title 12, United States Code,  
6 Section 1829, generally prohibits any person who has been convicted of any criminal offense involving  
7 dishonesty or breach of trust, such as the defendant, from affiliation, ownership, control, participation,  
8 in any manner, in connection with the affairs of an insured depository institution (i.e., a federally  
9 insured bank or savings and loan institution).

10 II.

11 PENALTY

12 Title 18, United States Code, Section 656 and 3581(b)(6) authorize a term of  
13 imprisonment of not more than one year. Title 18, United States Code, Section 3571(b)(5) provides  
14 for a fine of not more than one hundred thousand dollars (\$100,000.00).

15 In addition to the fine mentioned above, U.S.S.G. Section 5E1.1(I) requires that the  
16 court impose an additional fine amount that is at least sufficient to pay costs to the government of any  
17 imprisonment, probation or supervised release for a period, however, Section 5E1.2(f) allows the court  
18 to waive any fine or impose an alternative sanction, such as community service, if a defendant  
19 establishes he or she does not have the ability to pay the fine.

20 Title 18, United States Code, Section 3663 and U.S.S.G., Section 5E1.1 permit  
21 restitution as deemed appropriate by the Court.

22 III.

23 ELEMENTS OF THE OFFENSE

24 In order for the defendant to be found guilty of the charge of embezzlement by a bank  
25 employee, the Government must prove each of the following elements beyond a reasonable doubt:

26 First: The defendant was an employee of Wells Fargo Bank.



**Third:** The defendant acted with intent to injure or defraud the bank.

**Fourth:** The deposits of Wells Fargo Bank were insured by the Federal Deposit Insurance Corporation.

IV.

### FACTS TO SUPPORT A PLEA OF GUILTY

The defendant is pleading guilty because he is in fact guilty of the offense charged in the information. In pleading guilty to the information, the defendant acknowledges that if he elected to go to trial instead of entering this plea, the United States could prove facts sufficient to establish the defendant's guilt beyond a reasonable doubt. The defendant specifically admits the following facts, and declares under penalty of perjury that these facts are true and accurate:

1. The defendant was employed as a teller at a branch of the Wells Fargo Bank located in Las Vegas, Nevada. At all relevant times, the Federal Deposit Insurance Corporation insured the deposits of Wells Fargo Bank.

2. On August 6, 1997, the defendant was working as a merchant teller at a branch of the Wells Fargo Bank. The defendant made an unauthorized withdrawal of \$1,000.00 from Betty Mangan's account by processing a forged withdrawal slip.

3. On September 11, 1997, the defendant was working as a merchant teller at a branch of the Wells Fargo Bank. The defendant processed a \$4,000.00 withdrawal from Marsha Brook's account without her authorization.

4. At all relevant times, the defendant knew that the custody and control of the money belonged to the Wells Fargo Bank and he intended to deprive the bank of its money and use it for his own purposes.

V.

**ACKNOWLEDGMENT**

The undersigned defendant, **TIMOTHY POOL**, acknowledges by his signature below that he has read this Memorandum of Plea Agreement, that he understands the terms and conditions, and the factual basis, set forth herein, that he has discussed these matters with his attorney, and that the matters set forth in this Memorandum, including those facts which support a plea of Guilty, are true and correct.

The undersigned defendant acknowledges that he has been advised, and understands, that by entering a plea of Guilty he is waiving, that is, giving up, certain rights guaranteed to him by law and by the Constitution of the United States. Specifically, he is giving up:

The right to proceed to trial by jury on the original charges, or to a trial by a judge if he and the United States both agree;

The right to confront the witnesses against him at such a trial, and to cross-examine them;

The right to remain silent at such trial, with such silence not to be used against him in any way;

The right, should he so choose, to testify in his own behalf at such a trial;

The right to compel witnesses to appear at such a trial, and to testify in his behalf; and,

The right to have the assistance of an attorney at all stages of such proceedings.

The undersigned defendant, his attorney, and the attorney for the United States acknowledge that this Memorandum of Plea Agreement is the entire agreement negotiated by and

. . .

. . .

. . .

. . .

. . .

1 agreed to by and between the parties, and that no other promise has been made or implied by either the  
2 defendant, his attorney, or the attorney for the United States.

3 KATHRYN E. LANDRETH  
4 United States Attorney

5 Feb 18, 2000  
6 DATED

Margaret M. Stanish  
7 MARGARET M. STANISH  
8 Assistant United States Attorney

9 Feb. 1, 2000  
10 DATED

Timothy Pool  
11 TIMOTHY POOL, Defendant

12 Feb. 1, 2000  
13 DATED

Paul Brayman  
14 PAUL BRAYMAN, Esq.  
15 Counsel for defendant POOL

16  
17  
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21  
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26  
I hereby attest and certify on 11-16-00  
that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF NEVADA

By M. Challen Deputy

CR-S-00-00359-01-PMP (RJJ)

POOL, TIMOTHY

Page

1

DATE FILED: 10/16/00

DISTRICT: 0978

COUNTY: 3200

DATE CLSD.: / /

TYPE: 3

WRIT: N

JUV: N

ALIAS.: N

I. CHARGE  
CNTS

CNT #

# O

18/656

THEFT, EMBEZZLEMENT OR MISAPPLICATION BY BANK  
EMPLOYEE

1

1

II. UPPER

ATTORNEY

U.S.A.

Plaintiff

Margaret Stanish

AU

III. LOWER

ATTORNEY

POOL, TIMOTHY

Defendant

**OPEN**Proc date: 10-16-00Proc code: 2

1st app dt: \_\_\_\_\_

1st app code: \_\_\_\_\_

Cnsl code: \_\_\_\_\_

**CLOSE**Dispo Judge: 7810Dispo date: 10-16-00

Sent date: \_\_\_\_\_

Cnsl code: \_\_\_\_\_

CT: \_\_\_\_\_ D: \_\_\_\_\_ Pri: \_\_\_\_\_ Prob: \_\_\_\_\_ SR: \_\_\_\_\_ Fine: \_\_\_\_\_

CT: \_\_\_\_\_ D: \_\_\_\_\_ Pri: \_\_\_\_\_ Prob: \_\_\_\_\_ SR: \_\_\_\_\_ Fine: \_\_\_\_\_

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*Rule 20 to  
district of  
N. Illinois*

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

TIMOTHY POOL

AO 256A ⊕

Page 2

Yr. Docket No. Def.

DATE

## PROCEEDINGS (continued)

## V. EXCLUDABLE DELAY

(a) (b) (c) (d)

10/16/00

1 INFORMATION o/d 9/11/97 lgm

--

2 AO-257 re: D/Pool lgm

--

3 WAIVER OF INDICTMENT re: D/Pool lgm

--

4 CONSENT TO PROCEED bfr mag re: D/Pool lgm

--

5 PLEA MEMORANDUM re: D/Pool lgm

--

6 CONSENT TO TRANSFER OF CASE re: D/Pool to N. Dist of Illinois lgm

11/13/00

7 LETTER re: D/Pool to dist of N. Illinois w/cc's of file cps dist lgm

MAGISTRATE JUDGE DENLOW

FILED

MICHAEL W. DORR  
UNITED STATES DISTRICT COURT

00CR0943

I hereby attest and certify on 11-16-00  
that the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADABy M. Challen DeputyInterval  
(per Section 11)

Start Date

Ltr. Total